

Senate Bill 428

By: Senators Schaefer of the 50th, Williams of the 19th, Rogers of the 21st, Douglas of the 17th, Pearson of the 51st and others

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to regulation of controlled substances, so as to provide that the illegal manufacture, distribution, dispensation, or possession with intent to distribute a controlled substance or marijuana in, on, or within any real property on which a church or other house of worship is located is prohibited; to provide penalties; to provide for the manner of the imposition of such penalties; to provide for the barring of such persons convicted of such offenses from such property; to provide for certain evidentiary issues related thereto; to provide for other related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to regulation of controlled substances, is amended by adding a new Code Section 16-13-32.7 to read as follows:

“(a) It shall be unlawful for any person to illegally manufacture, distribute, dispense, or possess with intent to distribute a controlled substance or marijuana in, on, or within any real property on which a church or other house of worship is located.

(b)(1) Any person who violates or conspires to violate subsection (a) of this Code section shall be guilty of a felony and upon conviction shall receive the following punishment:

(A) Upon a first conviction, imprisonment for not more than 20 years or a fine of not more than \$20,000.00, or both; or

(B) Upon a second or subsequent conviction, imprisonment for not less than five years nor more than 40 years or a fine of not more than \$40,000.00, or both.

(2) A sentence imposed under this Code section shall be served consecutively to any other sentence imposed.

(3) Any person convicted of a violation of subsection (a) of this Code section may, as a condition of probation or parole, be required by the sentencing court or State Board of Pardons and Paroles to refrain for a period of not more than 24 months from entering or at any time being within the boundaries of the real property on which such person was arrested for a violation of this Code section. Any person arrested for violation of his or her terms of probation shall be governed by the provisions of Code Section 42-8-38 and any person arrested for a violation of his or her terms of parole shall be governed by the provisions of Article 2 of Chapter 9 of Title 42.

(c) A conviction arising under this Code section shall not merge with a conviction arising under any other provision of this article.

(d) In a prosecution under this Code section, a true copy of a map produced or reproduced by any municipal or county agency or department for the purpose of depicting the location and boundaries of any real property on which a church or other house of worship is located and filed in the office of the clerk of superior court in the county in which the church or other house of worship is located shall be admissible and shall constitute prima-facie evidence of the location and boundaries of such property. This subsection shall not preclude the prosecution from introducing or relying upon any other evidence or testimony to establish any element of this offense."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.